

REMARKS

This application has been reviewed in light of the Office Action dated November 21, 2007. Claims 1-6 and 8-11, 13, 15, and 16 are presented for examination. Claims 17-31 have been canceled, without prejudice or disclaimer of subject matter. Claim 1, which is the sole independent claim, has been amended, as discussed below. Favorable reconsideration is requested.

Applicants would like to thank Examiner Weaver for conducting an in-person interview on November 15, 2007 with Applicants' undersigned representative and Mr. Alan Silverman, on behalf of the Assignee.

Claims 1, 4-6, 9-11, 13, 15-17, 20-22, 24, 25, and 28-30 were rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0080135 A1 ("Bezek") in view of JP 9-240647 ("Yasufumi") or U.S. Patent No. 3,357,593 ("Sears"). Claims 2, 3, 8, 18, 19, 23, 26, 27, and 31 were rejected as obvious over Bezek in view of Yasufumi or Sears and further in view of U.S. Patent No. 5,988,417 ("Cheng") (identified in the Office Action as "Cheng et al '117").

Claim 1 is directed to a plastic container comprising a finish portion and a generally cylindrical main body portion. The main body portion comprises a sidewall having a plurality of generally vertical ribs and a plurality of generally horizontal wave-shaped ribs defined therein. At least one of the generally horizontal wave-shaped ribs has an amplitude that is within a range of about 4.5 percent to about 30 percent of its wavelength, and at least one of generally vertical ribs intersects with more than one of the generally horizontal wave shaped ribs, whereby enhanced strength characteristics are imparted to the container.

As acknowledged in the Office Action, none of the cited references discloses the intersecting arrangement of vertical ribs and horizontal wave-shaped ribs recited in Claim 1. Furthermore, even if one were to combine the cited references in the manner indicated in the Office Action, the resulting combination would not describe or suggest an arrangement in which the horizontal wave-shaped rib has an amplitude that is within the particular range of about 4.5 percent to about 30 percent of its wavelength, as recited in Claim 1.

As discussed during the interview, the claimed range of amplitude to wavelength ratio is not merely an arbitrary design choice. Rather, it has been found that the claimed range provides

improved top load strength. As the Examiner suggested at the interview, Applicants submit herewith a Declaration Under 37 C.F.R. § 1.132 which provides test data showing the improved top load characteristics in the claimed range of amplitude to wavelength ratio.

The claim phrase “whereby enhanced strength characteristics are imparted to the container” has been restored to the claim, as suggested by the Examiner during the interview.

For at least these reasons, it is believed that Claim 1, and the claims depending therefrom, are patentable.

Claims 17-31 have been cancelled as discussed during the interview.

In view of the above amendment, applicants believes the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment, to Deposit Account No. 08-0219

Respectfully submitted,

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